

**ORDINANCE NO. 2007 - 9**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELGRADE,  
MONTANA, PROVIDING FOR THE ADOPTION OF TITLE 7, CHAPTER 18 OF  
BELGRADE MUNICIPAL CODE, ESTABLISHING A TREE ORDINANCE**

**BE IT ORDAINED** by the City Council of the City of Belgrade, Montana, that Title 7, Chapter 18, Belgrade Municipal Code is hereby adopted as follows:

**7.18.010 Definitions.**

(1) *Street Trees*: Street trees are herein defined as trees, shrubs, bushes, and all other woody vegetation in public streets, roads, avenues, or other right-of-ways.

(2) *Park Trees*: Park trees are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks, and all areas owned by the city, or to which the public has free access as a park.

**7.18.020 Creation and Establishment of a City Tree Board.** There is hereby created and established a City Tree Board for the City of Belgrade which shall consist of three members. The members of the City Tree Board shall be recommended by the Park and Recreation Board and approved by City Council.

**7.18.030 Term of Office.** The term of members of the City Tree Board shall be the same as the member's term on the Park and Recreation Board.

**7.18.040 Compensation.** Members of the City Tree Board shall serve without compensation.

**7.18.050 Duties and Responsibilities.** It shall be the responsibility of the City Tree Board to study, investigate, counsel, develop and administer a plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets, and in other public areas. Such plan will be presented from time to time to the City Council and upon their acceptance and approval shall constitute the official comprehensive city tree plan.

The City Tree Board shall promote and supervise the establishment of a tree inventory for Street and Park Trees. The inventory shall be updated as deemed necessary.

The City Tree Board, when requested by the City Council, shall consider, investigate, make finding, report and recommend upon any special matter or question coming within the scope of its work.

**7.18.060 Operation.** The City Tree Board shall elect a chairman and a secretary annually. The City Tree Board shall meet at such time as determined by the City Tree Board, which shall be at least annually. A quorum of the City Tree Board shall be two members. The City Tree Board may act upon the majority vote of the members of the City Tree Board. The

City Tree Board shall determine its own rules and order of business and shall provide for the keeping of the minutes of its proceedings. All meeting shall be open to the public except in such circumstances as prescribed by state law. All documents and records of the City Tree Board shall be public records and shall be made available for examining or copying.

**7.18.070 Tree Species to be Planted.** The City Tree Board shall develop and maintain a list of tree species that may be planted as Street Trees or Park Trees. The trees to be planted, spacing and distances should be recommended by the City Tree Board and approved by City Council via resolution.

**7.18.080 Adoption of Tree Regulations.** The City Tree Board shall adopt regulations for tree size and spacing, and distance from curbs, sidewalks, street corners, fireplugs, and utilities.

**7.18.090 Visibility at Intersections.** This ordinance and any regulations adopted hereunder shall not amend, repeal, or conflict with the Visibility at Intersection requirements of Section 11.20.010 of the Belgrade Municipal Code.

**7.18.100 Public Tree Care.** The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all street, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds, and for compliance with city ordinances.

The City Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect, or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the section and location of said trees is in accordance with Section 7.18.070, and any regulations adopted thereunder.

**7.18.110 Pruning Standards.** All tree pruning on public property shall conform to the ANSI A300 standards for tree care operations.

**7.18.120 Tree Topping.** It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Crown reduction by a qualified arborist may be substituted, where appropriate. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the City Tree Board.

**7.18.130 Pruning & Corner Clearance.** Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not severely obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of thirteen feet (13') above street surface or eight feet (8') above the sidewalk surface. Said owners shall remove all dead, diseased or dangerous trees, or

broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light, or interferes with visibility of any traffic control device or sign or sight triangle at intersections.

Tree limbs that grow near high voltage electrical conductors shall be maintained clear of such conductors by the electric utility company in compliance with any applicable franchise agreements. A utility tree trimming policy must be reviewed by the utility company and City Tree Board prior to any trimming by the utility company.

**7.18.140 Dead or Diseased Tree Removal on Private Property.** The City shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other trees within the city. The City Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal to the owner of the property. Charges for removal by the City shall be set by resolution of the city council from time to time. The charge for removal shall be \$ 240 per hour until modified by resolution of the city council. If said charges are not paid forthwith, the City Council shall pass a resolution asserting such charges as special tax against the premises involved.

**7.18.150 Removal of Stumps.** All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

**7.18.160 Protection of Trees.** In order to maintain the overall forest, reasonable efforts shall be made to replace trees that are removed and to protect quality trees that are endangered.

Trees of desirable species and good health shall be protected as much as possible from damage during construction, sidewalk repair, utilities work above and below ground, and other similar activities. The zone of protection shall include the ground beneath the canopy of the tree.

**7.18.170 Interference with City Tree Board.** It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this ordinance.

**7.18.180 Arborists License and Bond.** It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing street or park trees within the city without first applying for and procuring a City of Belgrade business license. The business license fee shall be paid in advance; provided, however, that no license shall be required of any public service company including electric utilities and their agents and contractors or city employees doing such work in the pursuit of their public service endeavors. Before any business license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$1,000,000 for bodily injury and \$100,000

property damage indemnifying the city or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

**7.18.190 Review by City Council.** The City Council shall have the right to review the conduct, acts, and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Council who may hear the matter and make final decisions.

**7.18.200 Penalty.** Any person violating any provision of this ordinance shall upon conviction or a plea of guilty, be subject to a fine not to exceed \$1,000.

**PASSED** by the City Council of the City of Belgrade, Montana, on first reading at the regular session thereof held on the 19<sup>th</sup> day of November, 2007.

/s/ Russell C. Nelson  
Russell C. Nelson, Mayor

ATTEST:

/s/ Marilyn Foltz  
MARILYN FOLTZ,  
Director of Finance and Records

**PASSED** by the City Council of the City of Belgrade, Montana, on second reading at the regular session thereof held on the 17<sup>th</sup> day of December, 2007.

/s/ Russell C. Nelson  
Russell C. Nelson, Mayor

ATTEST:

/s/ Marilyn Foltz  
MARILYN FOLTZ,  
Director of Finance and Records